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8 *Attorney for Defendant BENYIAHIA HEBBAR*

9  
10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12  
13 UNITED STATES OF AMERICA  
14 Plaintiff,  
15 vs.  
16 BENYIAHIA HEBBAR,  
17 Defendant.

18 CASE NO.: 2:16-cr-00328-JCM-GWF

19 **STIPULATION TO CONTINUE**  
20 **SENTENCING**  
21 **(FIRST REQUEST)**

22  
23 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson,  
24 United States Attorney, and Christopher Burton, Assistant United States Attorney,  
25 counsel for the United States of America, and William Gamage, counsel for BENYIAHIA  
26 HEBBAR that the sentencing set for April 2, 2018 at 10:30 am in LV Courtroom 6A  
before Judge J. Mahan be vacated and set to a date and time convenient to the Court on  
or after May 1, 2018 based upon a pending Motion to Withdraw Guilty Plea set for  
hearing on April 19, 2018 at 10:30a.m..

27  
28 This Stipulation is entered into for the following reasons:

1. The client is in custody but does not oppose the continuance.  
2. Undersigned defense counsel was just substituted in and confirmed before  
Judge Foley on March 29, 2018. Counsel attempted to obtain the file that same day  
based upon representations of prior counsel but was denied the file when requested in

person after the hearing before Judge Foley. Counsel will attempt to again obtain the file today.

3. Based upon confirmation of new counsel and Defendant's expressed desire to go to trial on his case, the Court rescheduled his pending Motion to Withdraw Guilty Plea to April 19, 2018 at 10:30 a.m. Based upon this action, the Court in a minute Order instructed counsel to 'promptly file a stipulation' with this Court to vacate and reschedule the pending sentencing date.

4. Counsel respectfully request to vacate and reschedule the pending sentencing to a date on or after May 1, 2018 based upon the convenience of the Court.

5. The additional time requested herein is not sought for purposes of delay, but merely to allow Defendant Hebbal to have his Motion for Withdrawal of Guilty Plea fully heard before the Court.

6. Denial of this request for continuance would deny Defendant Hebbar his right to Due Process and a fair hearing.

7. Additionally, denial of this request for continuance could result in a miscarriage of justice.

8. This is the First stipulation to continue this hearing filed herein.

DATED THIS 30th day of March, 2018

DATED THIS 30th day of March, 2018

Dayle Elieson, United States Attorney

The Law Office of William Gamage, Esq.

/s/ Christopher Burton

/s/ William H. Gamage, Esq.

By.

By

CHRISTOPHER BURTON,  
Asst. United States Attorney

WILLIAM H. GAMAGE, ESQ.  
Counsel to Defendant Ace Hart

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA  
Plaintiff,  
vs.  
BENYIAHIA HEBBAR,  
Defendant.

CASE NO.: 2:16-cr-00328-JCM-GWF

**STIPULATION TO CONTINUE  
SENTENCING  
(FIRST REQUEST)**

## FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The client is in custody but does not oppose the continuance.

2. Undersigned defense counsel was just substituted in and confirmed before Judge Foley on March 29, 2018. Counsel attempted to obtain the file that same day based upon representations of prior counsel but was denied the file when requested in person after the hearing before Judge Foley. Counsel will attempt to again obtain the file today.

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2 Plea fully heard before the Court.

3 6. Denial of this request for continuance would deny Defendant Hebbar his  
4 right to Due Process and a fair hearing.

5 7. Additionally, denial of this request for continuance could result in a  
6 miscarriage of justice.

7 8. This is the First stipulation to continue this hearing filed herein.

8 9 For all of the above-stated reasons, the ends of justice would best be served by  
10 a continuance of the calendar call and trial date.

11 **CONCLUSIONS OF LAW**

12 13 The ends of justice are served as granting said continuance outweighs the best  
14 interest of the public and the defendant in a speedy trial, since the failure to grant  
15 said continuance would be likely to result in a miscarriage of justice, would deny the  
16 parties herein sufficient time and the opportunity within which to be able to  
17 effectively represent his client and thoroughly complete negotiations, taking into  
18 account the exercise of due diligence.

19 **ORDER**

20 21 IT IS THEREFORE ORDERED, that SENTENCING on April 2, 2018 at 10:30  
22 a.m., is vacated and reset on the 3rd day of May, 2018 at 10:30 a.m.

23 DATED April 2, 2018.

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UNITED STATES DISTRICT COURT  
26 JUDGE JAMES MAHAN  
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